

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**PLANNING COMMITTEE**

**Minutes from the Meeting of the Planning Committee held on Thursday,
16th November, 2023 at 9.30 am in the Assembly Room, Town Hall,
Saturday Market Place, King's Lynn PE30 5DQ**

PRESENT: Councillor F Bone (Chair)
Councillors B Anota, T Barclay (sub), S Bearshaw (sub), R Blunt, A Bubb,
C J Crofts (sub), T de Winton, S Everett, S Lintern, S Nash (sub), C Rose,
M Storey and D Tyler

PC72: **WELCOME**

The Chair welcomed everyone to the meeting. He advised that the meeting was being recorded and streamed live to You Tube.

He invited the Democratic Services Officer to carry out a roll call to determine attendees.

PC73: **APOLOGIES**

Apologies for absence had been received from Councillors Devulapalli, Long (Cllr Crofts sub), Ring (Cllr Bearshaw sub), and Mr V Spikings (Cllr Barclay sub) and M de Whalley

PC74: **DECLARATIONS OF INTEREST**

Councillor Barclay declared a disclosable pecuniary interest in planning application 9/2(f), as he was the applicant. He left the meeting during consideration of the item and addressed the Committee as a public speaker. He did not take part in the debate or vote on the matter and was not present during the discussion on the application.

Councillor Lintern explained that in relation to items 9/1(a) and 9/1(g) – Stoke Ferry, she had taken part in debates at the Parish Council meeting and would leave the meeting during consideration of those items.

PC75: **URGENT BUSINESS UNDER STANDING ORDER 7**

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There was no urgent business under Standing Order 7 to consider.

The Planning Control Manager referred to the late correspondence in relation to item 9/2(d), and the paper referred by the Parish Council

raised significant planning issues which required in depth review and consideration by officers. It was therefore recommended that the application be deferred. This was agreed by the Committee.

The Planning Control Manager also drew the Committee's attention to late correspondence in relation to 9/2(g), and the recommendation to defer the application, which was agreed by the Committee. Councillor Storey outlined his disappointment that the application was recommended to be deferred.

PC76: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillor attended and addressed the Committee in accordance with Standing Order 34:

Cllr A Beales	9/2(b)	Castle Acre
	9/2(c)	Hillington

PC77: **CHAIR'S CORRESPONDENCE**

The Chair reported that any correspondence received had been read and passed to the appropriate officer.

PC78: **RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

A copy of the late correspondence received after the publication of the agenda, which had been previously circulated, was tabled. A copy of the agenda would be held for public inspection with a list of background papers.

PC79: **GLOSSARY OF TERMS**

The Glossary of Terms were noted.

PC80: **INDEX OF APPLICATIONS**

The Index of Applications were noted.

PC81: **DECISIONS ON APPLICATIONS**

The Committee considered schedules of applications for planning permission submitted by the Executive Director for Planning and Environment (copies of the schedules were published with the agenda). Any changes to the schedules were recorded in the minutes.

RESOLVED: That the application be determined, as set out at (i) – (ix) below, where appropriate, to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chair.

- (i) **22/00871/FM**
Stoke Ferry: Land south of 2 and 3 Lark Road: Proposed residential development of 13 dwellings: Lavish Estates Limited

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Councillor Lintern left the meeting during consideration of this item.

The case officer introduced the report and explained that full planning permission was sought for the construction of 13 dwellings on the allocated site G88.1 in Stoke Ferry. The site was immediately to the south of the modern cul-de-sac development at Lark Road. An existing sewage treatment works was located some 130m south of the application site, with an existing access track running through the centre of the site.

The application site was outside of the Stoke Ferry Conservation Area, the border to which ran along the southern side of Wretton Road to the north of the application site.

The application site had been the subject of numerous planning applications. This application was resubmission of the scheme granted Reserved Matters consent in 2019 (ref: 18/02068/RMM) which was not implemented within the required timeframe.

The application had been referred to the Committee for determination as the officer recommendation was contrary to the views of the Parish Council and at the request of former Councillor Sampson.

The Committee noted the key issues for consideration when determining the application as set out in the report.

The case officer drew the Committee's attention to the need to amend the conditions, remove condition 18 with condition 19 being changed to condition 18 and within that it should refer to condition 16 not condition 6.

The case officer informed the Committee that the Parish Council no longer wished to speak at the meeting as they felt that their objections had been overcome.

In accordance with the adopted public speaking protocol, Shanna Jackson (supporting) addressed the Committee in relation to the application.

The Assistant Director clarified that it was an allocated site but outside the development boundary.

Councillor Crofts commented that as it was an allocated site, the Parish Council would have had opportunity to make comments on it. In relation to Lark Road, he asked who would own the private drive and maintain it.

The case officer advised that condition 16 covered this issue and related to the maintenance of the road.

Councillor Storey explained that he had also attended the Stoke Ferry Parish Council meeting but did not take part in any debate. He explained that the Parish Council were pleased that a lot of their objections had been addressed apart from the fact that the site was outside the development boundary.

In response to a comment from Councillor de Winton, the Planning Control Manager advised that the affordable housing was a policy requirement and would be secured through the Section 106 Agreement. She explained that anyone could apply to remove the affordable housing requirement however they would have to submit a financial viability assessment.

Councillor Bearshaw commented that it was good to see that the applicant could be putting a footpath in and asked whether they owned the land to do that. The case officer advised that NCC owned the land for the footpath.

Councillor Bubb referred to condition 19, which stated that 'prior to the occupation of the final dwelling the roads and footpaths shall be completed ...' and asked if the roads and footpaths could be put in earlier than the final dwelling.

The case officer explained that the developer would require a number of properties to be completed and sold as they would require the money to carry out the installation of the footpaths and roads. The Planning Control Manager added that Norfolk County Council would not adopt them if they were damaged.

The Assistant Director advised that the Local Planning Authority could not do anything about developers going into administration and could only do so much.

Councillor Bubb proposed that Condition 19 should be amended to read 'prior to the completion of the penultimate dwelling the roads and footpaths shall be completed ...'. This was seconded by Councillor Bearshaw and agreed by the Committee.

In response to a comment regarding monitoring conditions and Section 106 Agreements, the Assistant Director informed the Committee that there was now an officer in place to do that.

The Chair drew the Committee's attention to the need to remove condition 18 with condition 19 being changed to condition 18 and within that it should refer to condition 16 not condition 6, which was agreed by the Committee.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to the amendments to the conditions listed above and the amendment to condition 19 and (now condition 18), after having been put to the vote was carried unanimously.

RESOLVED: (A) That the application be approved subject to conditions and the satisfactory completion of a Section 106 Agreement to secure affordable housing.

(B) In the event that the Section 106 Agreement was not completed within 4 months of the date of this Committee meeting, the application be refused due to the failure to secure affordable housing.

(ii) **23/00739/F**

Brancaster: Marsh Farm, Main Road, Burnham Deepdale: Conservation project including change of use of existing aviary, new aviaries and associated dwelling for warden/conservation officer: Mr Andrew Crean

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The Principal Planner introduced the report and explained that the application sought full planning permission for the construction of a permanent bungalow and the creation of aviaries in connection with a Conservation Project at Marsh Farm, Burnham Deepdale. The application related to a conservation project to re-introduce Ruff, a wading bird which was otherwise practically extinct in the UK. The application comprised a change of use of existing aviary and provision of new aviaries together with residential accommodation for a warden/conservation office, which were all noted by the agent to be integral to the project.

The site was located to the north of Main Road, Burnham Deepdale and was within the Norfolk Coast Area of Outstanding Natural Beauty.

The application site was bounded to the north and east by the North Norfolk Coast SSSI and the Holkham National Nature Reserve (NNRS) and Scolt Head National Nature Reserve (NNR) to the north.

The application had been referred to the Committee for determination at the request of Councillor de Winton.

The Committee noted the key issues for consideration when determining the application, as set out in the report.

In accordance with the adopted public speaking protocol, Mr A Crean (supporting) addressed the Committee in relation to the application.

In response to comments raised by the public speaker, the Principal Planner advised that as the application stood it was the opinion of County Highways that the access was sub-standard.

The Assistant Director advised that having been to the site, he agreed with County Highways that the access was dangerous.

The site was displayed using Google Earth, and it was explained that the site did not benefit from adequate visibility splays due to high banks and vegetation allowing only negligible views westwards. It was also advised that the hedge-line was outside of the application site.

In response to a comment from Councillor Bubb, the Principal Planner advised that even if the arrangement of the hedge was altered, this may address reason for refusal 2 but not the other reason for refusal. The Assistant Director also cautioned against putting any weight on the Google Earth images, which were not representative of the situation currently, and did not replicate a car pulling out of the access.

Councillor Ryves added that the track was currently being used and if people were living on site, then they would not need to be travelling to and from the site. He also added that he could not see where the intensification came from.

The Planning Control Manager explained what was presently on site and what was proposed.

Councillor de Winton informed the Committee that he had called-in the application. He explained that there was already activity on the site and with the proposed application this would reduce the amount of machinery going in and out of the site. He added that Conservation projects such as this should be supported, and the project was a victim of its own success. The conservation project had been going on before the Ken Hill rewilding project. He added that he did not believe that the traffic movements would be increased, and as a Council it should be supporting projects of this nature.

The Assistant Director asked whether a house was needed for the conservation project as no evidence had been provided to demonstrate

this. In most cases, temporary accommodation was applied for whilst the business was being established. He reminded the Committee that there were also highways issues to consider.

The Planning Control Manager advised that this was a new enterprise. Councillor de Winton disagreed and stated that it was extension or growth to an existing enterprise.

The Planning Control Manger added that there had been limited evidence put forward on the financial viability of the project.

Councillor Nash added that there were many sites across West Norfolk with a far worse access than the one proposed. He considered that the hedge was domestic and of a low height and would be adequate to increase visibility.

The Assistant Director advised that it was not known whether mitigation could be provided in relation to the dangerous access and as such would seriously caution against that.

Councillor Nash referred to the images on Google Earth and stated that he could not agree with County Highways.

In order to see the access, Councillor Bearshaw proposed that a site visit be carried out.

Councillor Crofts reminded Members that planning reasons were required to justify granting consent. He added that normally temporary accommodation would be applied for before a permanent dwelling.

The Planning Control Manager added that normally a temporary dwelling would be applied for. There was insufficient evidence as to why a permanent dwelling was required.

Councillor Ryves added that a conservation project of this nature did not fit into planning policies. This was an expanding project and the applicant rented properties in the locality for employees.

The Assistant Director asked the Committee to consider whether that justified a new dwelling in the countryside.

Councillor Storey added that when using the access, if sitting in a tractor, visibility would be better as you would be sitting up higher than in a car. He stated that the Assistant Director had been to the site and considered the access to be dangerous. He added that this was a commendable project but there was a lack of information to support it. The applicant could apply for permission for a temporary dwelling which might be considered more favourably by officers. Once the

project had established the applicant could then apply for a permanent dwelling.

In response to a comment from Councillor Barclay, the Planning Control Manager explained that the visibility was well below the required standard.

Councillor Blunt proposed that the application be deferred to enable further information to be presented to the Committee however there was no seconder for his proposal.

Councillor Ryves added that there was an accountant's report submitted with the application. He stated that if the application was to be approved then he hoped that it could be restricted to the use to ensure that it was not used as a holiday-let.

The Principal Planner referred the Committee to the late correspondence where it explained that questions had been asked of the applicant, several times, but information had not been forthcoming.

Councillor de Winton then proposed that the application be approved. In relation to planning reasons Councillor Nash referred to page 40 of the agenda and that the application was supported by evidence.

The Planning Control Manager asked for the reasons that overcame the second reason for refusal.

Councillor Nash suggested that the splays could be increased, however the Assistant Director advised that it was not known if this could be complied with.

The Committee then adjourned at 10.57 am for a comfort break and reconvened at 11.08 am.

Upon reconvening, the Assistant Director recommended that the application should be deferred, to allow further clarification on highway safety, as there had been communication between parties which had not been published on-line. It would also give an opportunity for the County Highways Officer to be present at the meeting to explain their position.

This was formally proposed by Councillor Blunt and seconded by Councillor Nash.

Councillor de Winton then withdrew his proposal to approve the application to allow for further dialogue with the applicant, Borough Council and County Highways.

Councillor Bearshaw also withdrew his proposal for a site visit.

The Democratic Services Officer then carried out a roll call on proposal to defer the application and, after having been put to the vote was carried (12 votes for, 2 against and 1 abstention).

RESOLVED: That the application be deferred to enable further clarification to be sought on the highway issues.

(iii) **23/01006/F**

Castle Acre: Ran Revir, Bailey Street: Variation of condition 2 of Planning Permission 17/00341/F: Proposed rear extension, various internal and external alterations, including garage conversion to bedroom reconfiguration of existing fenestration and replacement roof covering. Erection of new detached double open fronted carport: Mr Matthew Green

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The Planning Control Manager introduced the report and explained that the application site was located within the defined settlement boundary for Castle Acre.

Castle Acre was a considerable rural settlement that was situated along the upper northern slope of the Nar Valley and had a number of historic character buildings, and a large part of the village was designated a Conservation Area to preserve and enhance its special historic and architectural quality.

The application site was located within the Conservation Area and was positioned adjacent listed buildings and the Castle Acre Castle, which was a scheduled monument.

Planning permission was sought for the variation of condition 2 from planning permission 17/00341/F. The section 73 application would allow changes to the fenestration and materials as well as the incorporation of solar panels.

The application had been referred to the Committee for determination at the request of Councillor Beales.

The Committee noted the key issues for consideration when determining the application, as set out in the report.

In accordance with Standing Order 34, Councillor A Beales addressed the Committee.

The Planning Control Manager advised that condition 1 and other inconsistencies with the plan numbers needed to be amended.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to condition 1 and other inconsistencies with the plan numbers being amended and, after having been put to the vote was carried (14 votes for and 1 abstention).

RESOLVED: That the application be approved as recommended subject to Condition 1 and other inconsistencies with plan numbers being amended.

- (iv) **23/01667/F**
Hillington: Maltrow, Station Road: Proposed redesign 2 no. dwellings following the removal of the existing residential bungalow: Mr I Hardy

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The Principal Planner introduced the report and explained that the application site was located within the defined settlement boundary for Hillington, which was classified as a Rural Village within Policy CS02 of the Core Strategy 2011.

The village was very rural in character and was centred around the historic entrance to Hillington Hall, on the edge of the Sandringham Estate. Development also stretched along the B1153 near to St Mary's Church. Buildings were mainly two-storey with pitched roofs.

The application site fronted Station Road and was host to a detached bungalow positioned centrally within the site.

Planning permission was sought for two storey dwellings following the demolition of the existing bungalow.

Planning permission was granted under application 14/00554/RM for the construction of a two-storey dwelling and detached garage to the rear of the site (west). A subsequent application was also approved under application 22/02009/F for 2 no. two storey dwellings following the removal of the existing residential bungalow.

Works approved under application 22/02009/F had not commenced and the current application proposed an amended design and layout.

The application had been referred to the Committee for determination at the request of Councillor Beales.

The Committee noted the key issues for consideration when determining the application, as set out in the report.

In accordance with the adopted public speaking protocol, Mr Nick Borrman (supporting) addressed the Committee in relation to the application.

Councillor Beales addressed the Committee in accordance with Standing Order 34. He explained that he had called-in the application because of the concerns raised by the Parish Council but having met the applicant on site his concerns had been allayed and he now supported the application.

The Principal Planner recommended a further condition to remove permitted development rights in order to maintain control of elements of the roof which was agreed by the Committee.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application with the extra condition to remove permitted development rights in relation to the roof, and, having been put to the vote, was carried unanimously.

RESOLVED: That the application be approved as recommended subject to an additional condition to remove permitted development rights in relation to the roof.

- (v) **23/00580/F**
Holme next the Sea: Barns north of Thornham Road: Conversion of existing agricultural barns, including change of use (C3) to a private detached dwelling and associated works: Mrs Lyn Garrett

This application had been deferred earlier in the meeting.

RESOLVED: That the application be deferred.

- (vi) **232/01598/O**
King's Lynn: 56 Wootton Road, Gaywood: Outline permission with all matters reserved: Mr D Ward

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The case officer presented the report and explained that the application site was located within the defined settlement boundary of Gaywood, which was classified as a Key Rural Service Centre within Policy CS02 of the Core Strategy 2011.

Gaywood functioned as a neighbourhood centre within King's Lynn. It provided a significant range of services including retail. The area was characterised by a mixture of two storey detached dwellings and terraced properties constructed of mainly red brick with some examples of cladding and render.

The site consisted of garden land serving No.52, 54 and 56 Wootton Road. The plot was positioned to the rear (east) of the dwellings.

The proposal sought outline planning permission with all matters reserved for 2 no. dwellings. Parking would also be provided for No. 52, 54 and 56 as part of the red line.

The application had been referred to the Committee for determination as notice had been served on a member of staff.

The Committee noted the key issues for consideration when determining the application as set out in the report.

The Democratic Services Officer then carried out a roll call on the recommendation to refuse the application which was carried unanimously.

RESOLVED: That the application be refused as recommended.

- (vii) **23/01194/F & 23/01195/LB**
Middleton: Tower Farm, Station Road, Tower End:
Proposed demolition of utility for new kitchen / lobby
extension and glazed link, part conversion of outbuilding:
Mr & Mrs Barclay

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Councillor Barclay left the meeting and did not take part in the debate or decision but did address the Committee as a public speaker.

The Principal Planner presented the report and explained that the application related to the proposed demolition of the utility for a new kitchen / lobby extension and glazed link, part conversion of outbuilding at Tower Farm, Station Road, Tower End, Middleton.

Middleton was designated as a rural village under Policy CS02 of the Core Strategy 2011 and as such was not guided by a development boundary.

The application had been referred to the Committee for determination as the application related to land within the ownership of a Borough Council Member.

The Committee noted the key issues for consideration when determining the application, namely:

- Principle of development; and
- Design and Heritage.

In accordance with the adopted public speaking protocol, Mr T Barclay (supporting) addressed the Committee in relation to the application.

Councillor Nash spoke in support of the application and stated that he felt that the scheme would enhance the listed building.

The Principal Planner explained that it was a Listed Building asset in its own entity.

Councillor de Winton added that he felt that refusal of the application was unreasonable. He explained that the heritage assets were for people to live and work in them as part of the preservation of buildings. The proposal would bring the building into a better use for the family and enable the buildings to continue.

The Assistant Conservation Officer explained that the Victorian Society considered the extension to be Victorian. The building to be demolished contained historic interiors including handpumps and the extensions were layers in history. She added that it was an important site and quite unique as it still retained different status of buildings. As custodians of the buildings, they had to be looked after at this point in time. The dwelling itself was quite sizeable and had a good use at the moment.

The Principal Planner added that it was important to note that this proposal might not be the right scheme but there could be an acceptable scheme to be found.

The Chair asked if there was a reason why the Parish Council had not commented on the application.

Councillor Nash advised that if Middleton Parish Council had not made any comments, then they did not object to the application. He referred to the enhancements that the family had made to every building.

Councillor Everett asked that in relation to age of the extension, was there evidence to prove the theory of the age of the extension.

The Principal Planner explained the view of the Georgian Society to the Committee, and it was advised that they were statutory consultees for Listed Buildings.

The Chair expressed concern that the proposal would damage the historical fabric of the Listed Building.

Councillor Ryves asked where the historic pumps were situated. The Assistant Conservation Officer advised that whether they were in the extension or outbuildings, they would be removed.

Councillor Ryves added that the proposed extension looked pleasing on the eye and was a sensitive improvement to the asset.

The Assistant Conservation Officer explained that it would be the amount of historic fabric that would need to be removed which was the issue. She added that she felt that an extension might be possible but not this one.

The Democratic Services Officer then carried out a roll call on the recommendation to refuse the application and, after having been put to the vote, was lost (6 votes for and 8 against).

As the recommendation for refusal was lost, Councillor Nash proposed that the application be approved on the grounds that the level of harm was less than significant and was outweighed by the benefit of the continued use of a listed building, with conditions to be agreed with the Chair and Vice-Chair. This was seconded by Councillor Winton.

The Democratic Services Officer then carried out a roll call on the proposal to approve the application and, after having been put to the vote, was carried (9 votes for 4 votes against and 1 abstention).

In relation to the Listed Building application, it was proposed by Councillor Nash that the application be approved on the grounds that proposal would cause less than substantial harm and the benefits of preserving the Listed Building for the future. This was seconded by Councillor de Winton.

The Democratic Services Officer then carried out a roll call on the approval of the Listed Building application and, after having been put to the vote, was carried (9 votes for 5 votes against).

RESOLVED: (A) That the application be approved contrary to recommendation, subject to conditions to be agreed with the Chair and Vice-Chair for the following reason:

That the application be approved on the grounds that the level of harm was less than substantial and was outweighed by the benefit of the continued use of a listed building.

(B) That Listed Building consent be granted for the following reason:

That the application be approved on the grounds that the proposal would cause less than substantial harm and the benefits of preserving the Listed Building for the future.

(viii) **23/00605/O**

Stoke Ferry: Land east of Furlong Road: Outline planning application for the construction of 4 dwellings, 2 no. flats, 2 no. retail units (and storage) plus associated parking and access: Mr Paul Bishopp

This application had been deferred earlier in the meeting.

- (ix) **23/00793/F**
**West Winch: Land between 48 and 49 Coronation Avenue:
Proposed semi-detached chalet bungalows: Messrs Gavin,
Moira and Colin Tuck, Sleight and Wells**

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The case officer introduced the report and explained that the application sought full planning consent for the construction of a pair of one and a half storey three-bedroom semi-detached dwellings, with off road parking and turning and private rear gardens. The dwellings will be accessed via a shared private drive off Coronation Avenue.

The application site was located to the northwest of Coronation Avenue in West Winch, an established residential area. The site was currently utilised for a block of three detached garages which were no longer in use. The site was within the development boundary for West Winch.

The application site also included five trees with Tree Protection Orders.

The application had been referred to the Committee for determination at the request of Councillor Nash.

The Committee noted the key issues for consideration when determining the application, as set out in the report.

In accordance with the adopted public speaking protocol, Michele Summers (objecting on behalf of the Parish Council) and Colin Wells (supporting) addressed the Committee in relation to the application.

In relation to the issue of the Right of Way raised by the Parish Council, the case officer explained that this was outside of the planning process. It was not a public right of way at the moment. She had also been in contact with the Public Rights of Way Officer at Norfolk County Council, and it was not on the list nor was there an application for it.

Councillor Nash advised that he was the Ward Councillor for the area. He had concerns with regards to the right of access. Within the contract of sale between the Borough Council and the applicant it stated that there was a public right of way and asked why there was different information from Borough Planning and Property Services.

The case officer reiterated that there was no public right of way.

Councillor Nash added that there was not enough information in front of the Committee to make a decision and therefore proposed that the application be deferred. This was seconded by Councillor Ryves.

The Planning Control Manager advised that in any case it would be a civil matter between parties.

The Assistant Director explained that officers had to be careful not to take sides on civil legal matters. It could be the case that permission was granted but the properties could not be built.

In response to a comment from Councillor Ryves asking for a definitive answer, the case officer advised that there was not a public right of way across the site and an application to make it a public right of way had not been submitted.

Councillor Nash expressed concern that there was conflicting advice from departments at the Council.

The Assistant Director explained that when determining the planning application, officers could not look at matters outside their jurisdiction.

The Democratic Services Officer then carried out a roll call on the proposal to defer the application and, having been put to the vote was lost.

Councillor Nash added that the Committee should have all the facts before making a decision.

Councillor Crofts explained that if the application was approved and problems were encountered later down the line, then the properties may not be built.

Councillor Nash considered it to be unlawful to knowingly grant planning permission on land which could not then be developed.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application and, after having been put to the vote, was carried (9 votes for, 3 against and 3 abstentions).

RESOLVED: That the application be approved as recommended.

PC82: **PLANNING ENFORCEMENT QUARTERLY REPORT**

The Committee received an update on service performance for planning enforcement during the 1st, 2nd and 3rd quarters of 2023.

The Committee noted that the number of cases received were 561, the total number of cases closed were 528 and the total number of current live cases pending was 558.

It was noted that a total of 57 formal notices had been served during the period.

RESOLVED: That the report be noted.

The meeting closed at 1.16 pm